

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

KAREN ROMANO,)	
)	
Plaintiff)	
)	
v.)	Civil 98-0106-B
)	
U-HAUL INTERNATIONAL,)	
INC, et al.)	
)	
Defendants)	

ORDER AND MEMORANDUM OF DECISION

BRODY, District Judge

Defendants, U-Haul International, Inc. ("UHI"), and U-Haul Co. of Maine, Inc. ("UHCM"), move for judgment as a matter of law, a new trial, and, in the alternative, for remittitur following a jury verdict finding them liable for sex discrimination in violation of Title VII, 42 U.S.C. § 2000e et seq., and the Maine Human Rights Act, 5 M.R.S.A. § 4551 et seq., and awarding Plaintiff, Karen Romano, a total of \$15,000 in compensatory damages and \$625,000 in punitive damages. The Court reduced the punitive damages award to \$285,000 in conformity with 42 U.S.C. § 1981a(b)(3).

In their Motion for Judgment as a Matter of Law, Defendants restate legal and factual arguments made in their Motion for Summary Judgment and at trial. The Court rejects these arguments for the reasons previously stated on the record. A jury verdict may be set aside "only after a determination that the evidence could lead a reasonable person to only one conclusion." Hendricks & Assoc., Inc. v. Daewoo Corp., 923 F.2d 209, 214 (1st Cir. 1991) (internal quotation and citations omitted). A court is "compelled . . . even in a close case, to uphold the verdict unless the facts and inferences, when viewed in the light most favorable to the party for whom

the jury held, point so strongly and overwhelmingly in favor of the movant that a reasonable jury could not have arrived at this conclusion." Hendricks & Assoc., Inc., 923 F.2d at 214 (internal quotation and citation omitted). Having reviewed the trial record, the Court declines to disturb the jury verdict. The evidence presented at trial did not compel a verdict in UHI and UHCM's favor. Defendants' Motion for Judgment as a Matter of Law is DENIED.

The Court also declines to order a new trial. A court "may not upset the jury's verdict merely because he or she might have decided the case differently." Velasquez v. Figueroa-Gomez, 996 F.2d 425, 428 (1st Cir. 1993). Rather, a new trial is appropriate only if "the verdict was so clearly against the weight of the evidence as to amount to a manifest miscarriage of justice." PH Group Ltd. v. Birch, 985 F.2d 649, 653 (1st Cir. 1993). As discussed above, the Court cannot conclude that the weight of the evidence clearly dictated a verdict different than the one rendered by the jury. Defendants' Motion for a New Trial is DENIED.

In their Motion for Remittitur, Defendants argue that the \$285,000 punitive damages award violates the Due Process Clause of the Fifth and Fourteenth Amendments and is excessive and should be reduced. In order for a punitive damages award to be constitutionally excessive, a the Court must consider (1) the degree of reprehensibility of the conduct; (2) the ratio between compensatory and punitive damages; and (3) the sanctions for comparable misconduct. See BMW of North America, Inc. v. Gore, 517 U.S. 559, 575-583 (1996). A Court can also overturn a damages award if "it is 'grossly excessive, inordinate, shocking to the conscience of the court, or so high that it would be a denial of justice to permit it to stand.'" Blinzler v. Marriott Int'l, Inc., 81 F.3d 1148, 1161 (1st Cir. 1996) (quoting Correa v. Hospital San Francisco, 69 F.3d 1184, 1197 (1st Cir. 1995)). The Court finds that the punitive damages award, already reduced

by this Court in accordance with the statutory cap of Title VII, neither violates Due Process nor is excessive as a matter of law.

The Court is persuaded, after thoroughly examining the record, that the jury rendered a supportable verdict and that the present damages award is not excessive. Defendants' Motions for Judgment as a Matter of Law, for a New Trial, and, in the alternative, for Remittitur are DENIED.

SO ORDERED.

MORTON A. BRODY
United States District Judge

Dated this 28th day of October, 1999.